

REMARKS

Claims 1-31 were present in the application as filed with claims 2-31 canceled by preliminary amendment. Original claims 2-12 and 30 are reintroduced as new claims 32-43 by the above amendment.

The current action requires election under 35 U.S.C. 121 among six groups of claims:

Group I (original claims 1-12, 30 and 31) are drawn to avilamycin derivatives, classified in class 536, subclass 123.1.

Group II (original claims 13-14, 19 and 24) are drawn to a nucleic acid, partially claim 19, drawn to a cell containing at least one nucleic acid of claim 13-14 and partially claim 24, drawn to the use of a nucleic acid, classified in class 536, subclass 22.1;

Group III (original claim 15, 19 and 24) is drawn to gene clusters, partially claim 19, drawn to a cell containing gene cluster of claim 15 and partially claim 24, drawn to the use of gene cluster, classified in class 536, subclass 23.1.

Group IV (original claims 16-18, 19 and 24) are drawn to a protein or polypeptide, partially claim 19, drawn to a cell containing a protein or polypeptide of claims 16-18 and partially claim 24, drawn to the use of a protein or polypeptide, classified in class 530, subclass 350;


Group V (original claims 19-23 and 24) are drawn to cell, and partially claim 24, drawn to the use of cells, classified in class 530, subclass 200; and

Group VI (original claim 25) is drawn to a process for the production of avilamycin derivatives, classified in class 435, subclass 72.

Applicants: Weitnauer et al.  
Serial No.: 10/084,846  
Page 12

Applicants hereby elect Group I (original claims 1-12, and 30).

Respectfully submitted,

  
Kathy Smith Dias  
Attorney for Applicants  
Reg. No. 41,707

Dated: December 10, 2004

Address for Correspondence:  
Kathy Smith Dias  
HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579